



**ISLAMORADA, VILLAGE OF ISLANDS  
REGULAR VILLAGE COUNCIL MEETING MINUTES**

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Thursday, January 22, 2015  
5:30 PM**

**I. CALL TO ORDER / ROLL CALL**

Mayor Mike Forster called the meeting to order at 5:47 P.M. The following Council members were present on roll call: Mayor Mike Forster, Vice Mayor Deb Gillis, Councilman Jim Mooney, Councilman Chris Sante and Councilman Dennis Ward. Also in attendance were Village Manager Maria Aguilar, Village Attorney Roget Bryan, Village Clerk Kelly Toth, Director of Planning Cheryl Cioffari and all other appropriate personnel.

**II. PLEDGE OF ALLEGIANCE**

Phyllis Mitchell led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

- A.** Recognition of Barry Wray for Service on the Workforce Affordable Housing Citizens' Advisory Committee

Mayor Mike Forster thanked Barry Wray for his service on the Workforce Affordable Housing Citizen's Advisory Committee from January 2006 to January 2015.

- B.** Recognition of Myles Milander for Service on the Water Quality Improvement Citizens' Advisory Committee

Vice Mayor Deb Gillis presented Myles Milander with a certificate and thanked him for his service on the Water Quality Improvement Citizens' Advisory Committee from May 2012 to January 2015.

- C.** Presentation of Pineapple Beautification Award to Seafoam Laundry

Phyllis Mitchell, Chairwoman of the Landscape Advisory Committee, presented Lou Sena with the Pineapple Beautification Award for the improvements to Seafoam Laundry. Mr. Sena acknowledged his brother Philip Sena's contributions to the property. He stated that some of his employee's live in the affordable housing located on top of the laundry.

- D.** Report Regarding Snake Creek Drawbridge Operations – Lt. Ryan Kilgo of Coast Guard Sector Key West

Lieutenant Ryan Kilgo, Chief of Waterway Management for Coast Guard Sector Key West, provided an overview of the authority of this division. Mr. Kilgo explained the process for changing the bridge operation schedule referencing the handout to Council titled "Figure 6-2 Drawbridge Operation: Evaluating and Effecting Changes".

Lieutenant Kilgo stated the request he received from Council was for temporary relief which would be a deviation of 180 days. If it proved to be beneficial for the community and the waterway users they could pursue a final rule if necessary. Mr. Kilgo added that they are looking into enforcement issues regarding unnecessary openings and working toward identifying the best process for improvement.

Councilman Chris Sante stated that on January 16, 2015 at 6:12 the bridge tender opened the drawbridge for a vessel that could have passed had they lowered their outriggers and stated that he believed that the vessel could be fined.

Lieutenant Kilgo stated he understood that when the bridge operator is signaled he must follow the schedule and open the bridge. Lieutenant Kilgo stated he is currently working closely with the Islamorada Coast Guard station and that they would be the primary unit responsible for pursuing civil penalties.

Mayor Mike Forster suggested placing signage on the bridge regarding the penalties for not lowering outriggers in an effort to educate waterway users. Mayor Forster thanked Lieutenant Kilgo for presenting his report. Mayor Forster stated that Monroe County Board of County Commissioners and the City of Marathon had passed resolutions in support of this effort. He explained that the excessive bridge openings have a residual effect for everyone.

Mayor Mike Forster spoke in support of the temporary deviation and suggested parallel efforts toward a permanent solution.

Lieutenant Kilgo stated that a 90-day comment period is required and that it could be conducted during the test deviation period in an effort to speed up the process. He assured Council that this item had his utmost attention.

#### **E. FDOT Presentation Regarding the Fills- Patty Ivey**

Vice Mayor Deb Gillis requested that Tab 12 be moved forward to follow the FDOT presentation.

Ms. Patty Ivey, with the Florida Department of Transportation Marathon Maintenance Division, stated that the division is responsible for the state highway system from Key West to Florida City. She provided Council with a brief history of the Indian Key Fill and stated that five interagency staff meetings had occurred resulting in ideas for development of a Master Plan. Ms. Ivey stated that the interagency effort had progressed to the point that public input was now needed. Ms. Ivey presented a list of undesirable existing conditions and goals for improvement that had been identified by the group. She stated FWC needed Islamorada Village Council support to move forward with obtaining permits for the dock and the ramp project.

Vice Mayor Deb Gillis inquired as to how the Village would obtain parking around the boat ramp area. Ms. Ivey stated that first an interagency agreement would be needed because Department of Environmental Protection (DEP) leases that portion of the boat ramp. Ms. Ivey stated communications had been initiated with DEP representatives to find out how to obtain use of a portion of the area for parking.

Mayor Mike Forster clarified that the presentation was a summary of what had occurred thus far and that Council's formal approval for the dock and handicap parking was needed.

Ms. Ivey requested Council's approval to move forward with a public workshop to obtain community input. Mayor Forster requested that a discussion be held at the community workshop regarding a reduction in the speed limit to 45 mph for the area between the former Papa Joe's to just south of Robbie's. Ms. Ivey explained that if the reduction in the speed limit was embraced by the public the Council could move forward with a resolution and send the resolution to the FDOT Traffic Operations Division in Miami. She stated the Division would then do an evaluation and render a decision.

Councilman Chris Sante announced he was appointing Myles Milander to the Local Planning Agency and stated he was reappointing all of his current committee members.

Vice Mayor Deb Gillis announced she has an opening on the Water Quality Improvement Citizens' Advisory Committee.

#### **IV. PUBLIC COMMENT**

Mayor Mike Forster opened public comment.

Dave Purdo thanked the emergency medical services for assisting Mrs. Irving Eyster recently with her medical needs. He spoke in support of the Snake Creek Bridge opening once on the hour.

Frank Derfler, Secretary of the Upper Keys Rotary Club announced the 20<sup>th</sup> Annual Rotary Gigantic Nautical Flea Market to be held on February 21<sup>st</sup> and 22<sup>nd</sup> at Founder Park. He stated the Upper Keys Rotary Club and the Key Largo Rotary Club had provided benefits in the amount of \$266,000 dollars over the last 28 months to over 170 students from Coral Shores High School, Island Christian School as well as local home schooled children.

Mayor Mike Forster closed public comment.

#### **V. AGENDA: Request for Deletion / Emergency Additions**

Vice Mayor Deb Gillis requested to move her report regarding her trip to Washington D.C. up to follow the FDOT presentation because Nicole Rapanos, Florida Keys Director for Congressman Carlos Curbelo was in attendance.

Councilman Dennis Ward added discussion regarding workforce affordable housing under XIV. Mayor/Council Communications.

Councilman Ward requested a future discussion item on reinstating the Florida Keys League of Cities.

#### **VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

##### **A. Landscape Advisory Committee Update**

Phyllis Mitchell, Committee Chair, reported the Landscape Advisory Committee had met on January 13<sup>th</sup> and that Marilyn Rogers was elected Chair and Shelby Heeter was elected Vice Chair. Ms. Mitchell announced that the committee will be hosting a booth at the February 19<sup>th</sup> Morada Way Art Walk and the booth theme will be "Shade Tolerant Plants". She announced Environmental Resources Manager, Susan Sprunt as the new staff liaison to the committee and that Donna Sprunt was now serving as a member of the committee. Ms. Mitchell stated there was a vacancy on the committee.

#### **VII. VILLAGE MANAGER REPORTS AND UPDATES**

## **VIII. CONSENT AGENDA**

### **A. Minutes:**

December 18, 2014 Regular Village Council Meeting

Vice Mayor Deb Gillis made a motion to approve. Councilman Jim Mooney seconded the motion. Council voted all in favor. The motion passed 5-0.

## **IX. WASTEWATER MATTERS**

### **A. Wastewater Project Update**

Wastewater Program Manager Greg Tindle provided a construction update and reported that the salt water intrusion levels for January had been within the allowable limits and that they are continuing to look for leaks. He stated AirVac would be testing the Middle Plantation Key system on February 16<sup>th</sup> and that if all goes well they anticipate sending connection letters out in early March. Vice Mayor Deb Gillis reminded the public of possible wastewater funding assistance through the Community Development Block Grant (CDBG). Councilman Jim Mooney asked how many properties were connected in North Plantation Key. Mr. Tindle replied 1,000 had connected with 149 remaining.

Mayor Mike Forster opened public comment.

Jim Bellizzi requested that Council bury the sewer pipes below the depth of the basin on Gulfside Drive.

Mayor Mike Forster closed public comment.

## **X. ORDINANCES**

### **A. Second Reading -Ordinance Amending the Land Development Regulations to Amend Transfer of Development Rights (TDRS)**

Village Attorney Roget Bryan read the title of the ordinance and announced this is second reading and a public hearing. Director of Planning Cheryl Cioffari presented the staff report recommending approval.

Mayor Mike Forster opened public comment; seeing none public comment was closed.

Councilman Chris Sante made a motion to approve. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

## **XI. QUASI-JUDICIAL**

### **A. Application for Administrative Relief (AR 15-02) for Boy Scouts of America Florida High Adventure Sea Base**

Councilman Chris Sante requested that Tabs 4-7 be handled as one item. Village Attorney Roget Bryan stated he had to read the titles of each item, request all ex-parte communications, and that each item had to be voted on independently.

Village Attorney Roget Bryan read the quasi-judicial statement and requested that anyone not having been sworn in raise their hand. Village Clerk Kelly Toth swore in the witnesses.

Village Attorney Roget Bryan read the titles of the resolutions for Tabs 4 through 7 pertaining to the following applications for administrative relief: AR 15-02, AR 15-03, AR 15-04, and AR 15-05. Mr. Bryan requested Council disclose any ex-parte communications regarding the four applications. Councilman Chris Sante stated he had received Village communications. Vice Mayor Deb Gillis, Mayor Mike Forster, Councilman Dennis Ward and Council Jim Mooney stated they had communications with Keith Douglass. Planner Thomas Skidmore presented the staff report and BPAS rankings for Tabs 4 through 7.

Mayor Mike Forster invited the applicant to speak.

Applicant Keith Douglas stated housing was needed for Florida Sea Base year-round staff. He stated that due to income restrictions, they had to apply for market rate BPAS allocations for the four contiguous lots. Mr. Douglas stated that after four years, his requests for BPAS allocations were still in the queue. He reported that the vegetation survey had been completed, invasive exotics removed and that the lots were scarified. He stated they were shovel ready and had demonstrated, over the years, the ability to manage a project of this size.

Mayor Mike Forster invited public comment for those for and those against Tabs 4 through 7; there was none.

Director of Planning Cheryl Cioffari stated the applicant had requested Council give consideration to waiving the application fees of \$1,500 dollars each. Council discussion ensued resulting in denial of the request.

Councilman Chris Sante made a motion to approve the request to provide administrative relief in the form of one (1) BPAS allocation award. The allocation award shall be awarded pursuant to Village Code Section 30-475(g) from previous market rate rollover allocations. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

**B. Application for Administrative Relief (AR 15-03) for Boy Scouts of America Florida High Adventure Sea Base**

Councilman Chris Sante made a motion to approve the request to provide administrative relief in the form of one (1) BPAS allocation award. The allocation award shall be awarded pursuant to Village Code Section 30-475(g) from previous market rate rollover allocations. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

**C. Application for Administrative Relief (AR 15-04) for Boy Scouts of America Florida High Adventure Sea Base**

Councilman Chris Sante made a motion to approve the request to provide administrative relief in the form of one (1) BPAS allocation award. The allocation award shall be awarded pursuant to Village Code Section 30-475(g) from previous market rate rollover allocations. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

**D. Application for Administrative Relief (AR 15-05) for Boy Scouts of America Florida High Adventure Sea Base**

Councilman Chris Sante made a motion to approve the request to provide administrative relief in the form of one (1) BPAS allocation award. The allocation award shall be awarded pursuant to Village Code

Section 30-475(g) from previous market rate rollover allocations. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

**E. Future Land Use Map (FLUM) Amendment (FLRZ-14-05) for a Property Located at 85301 Overseas Highway**

Village Attorney Roget Bryan read the title of the ordinance and stated this is a public hearing. He requested Council disclose any ex-parte communications. Councilman Jim Mooney, Mayor Mike Forster and Vice Mayor Deb Gillis disclosed they had spoken with Don Horton. Councilman Dennis Ward disclosed he had spoken with Stephen Kurutz. Councilman Chris Sante reported he did not have any ex-parte communications. Senior Planner Shane Laakso presented the staff report recommending approval.

Mayor Mike Forster invited the applicant to speak.

Don Horton, agent for the applicant, stated the owner needs the additional parking to eliminate parking on the right-of-way which happens frequently. He explained the 2-2 vote of the Local Planning Agency stating that the tie vote comes to Council as a negative. Mr. Horton explained one of the members who would have voted for the project did not make the meeting due to flight delays. He explained that adding the additional parking will improve Fire Department access and improve stormwater runoff. Mr. Horton stated he believed the applicant intended to use the existing dwelling unit for staff housing.

Mayor Mike Forster opened public comment to those in favor of the item.

Dave Purdo, Stephen Kurutz, Todd Chandler spoke in favor of the application. Pete Bacheler spoke about the lack of parking in the Village and in support of more parking. He stated Monroe County was the number two tourist destination in the state of Florida, second to Orlando.

Mayor Mike Forster opened public comment to those opposed; seeing none public comment was closed.

Vice Mayor Deb Gillis stated that heavy buffers would be needed in the future due to the property being situated next to residential.

Councilman Dennis Ward asked if there were any other plans for the property other than parking. Don Horton stated the owner Howard Brody had contemplated installing a pool, but that he mainly needs the parking.

Councilman Chris Sante made a motion to approve. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

**F. Zoning Amendment (FLRZ-14-05) for a Property Located at 85301 Overseas Highway**

Village Attorney Roget Bryan read the title of the ordinance and stated this is a public hearing. He requested Council disclose any ex-parte communications. Councilman Jim Mooney, Mayor Mike Forster and Vice Mayor Deb Gillis disclosed they had spoken with Don Horton. Councilman Dennis Ward disclosed he had spoken with Stephen Kurtz. Councilman Chris Sante did not have any ex-parte communications. Senior Planner Shane Laakso presented the staff report recommending approval.

Mayor Mike Forster invited the applicant to speak.

Don Horton requested Council approve the zoning amendment.

Mayor Mike Forster opened public comment to those for the item.

Todd Chandler, Stephen Kurtz, and Pete Bacheler spoke in favor of the item.

Mayor Mike Forster opened public to those opposed; seeing none, public comment was closed.

Councilman Dennis Ward made a motion approve. Councilman Jim Mooney seconded the motion. Council voted all in favor. The motion passed 5-0.

## **XII. RESOLUTIONS**

- A.** Resolution Approving Amendment No. 1 to the Florida Department of Environmental Protection State Financial Assistance Agreement Pursuant to Line Items 1626A and 1672 of the 2014-2015 General Appropriations Act (Mayfield Grant)

Village Attorney Roget Bryan read the title of the resolution. Director of Finance, Ian Proverbs presented the staff report recommending approval.

Mayor Mike Forster opened public comment; seeing none, public comment was closed.

Vice Mayor Deb Gillis made a motion to approve. Councilman Jim Mooney seconded the motion. Council voted all in favor. The motion passed 5-0.

- B.** Resolution Approving Agreement Between Islamorada, Village of Islands, and Government Services Group, Inc. for CDBG Program Administration Services

Village Attorney Roget Bryan read the title of the resolution. Director of Finance, Ian Proverbs presented the staff report recommending approval.

Mayor Mike Forster opened public comment; seeing none, public comment was closed.

Vice Mayor Deb Gillis made a motion to approve. Mayor Mike Forster seconded the motion. Council voted all in favor. The motion passed 5-0.

- C.** Resolution Supporting the Proposed Florida Fish and Wildlife/Florida Department of Environmental Protection Shoreline Stabilization and Improved Boat Ramp at Indian Key Fill

Village Attorney Roget Bryan read the title of the resolution. Director of Public Works, Lesli Wojtecki presented the staff report recommending approval.

Ms. Wojtecki recited the following additional language to be incorporated into the resolution as requested by FWC to clarify the scope of work for the shoreline stabilization project "... with an approximate 75 feet to either side of the boat ramp as necessary to stabilize the shoreline for the boat ramp."

Mayor Mike Forster opened public comment.

Jim Bellizzi suggested Council consider improving the current boat ramp to save money.

Vice Mayor Deb Gillis explained that the Village was not paying for this project and that she understood the improvements were in addition to the existing ramp. Mayor Mike Forster clarified that the Village did not own the boat ramp property.

Mayor Forster closed public comment.

Vice Mayor Deb Gillis made a motion to approve. Councilman Chris Sante seconded the motion. Council voted all in favor. The motion passed 5-0.

**D. Resolution Approving Selection of Engineering and Architectural Services Firms**

Village Attorney Roget Bryan read the title of the resolution. Director of Finance, Ian Proverbs presented the staff report recommending approval.

Councilman Dennis Ward asked if surveying services were included under engineering. Director of Finance Ian Proverbs explained that surveying was going to be bid out separately.

Mayor Mike Forster opened public comment; seeing none, public comment was closed.

Councilman Jim Mooney made a motion to approve. Councilman Dennis Ward seconded the motion. Council voted all in favor. The motion passed 5-0.

**E. Resolution Amending the Building Permit Fee Schedule**

Village Attorney Roget Bryan read the title of the resolution. Director of Planning, Cheryl Cioffari presented the staff report recommending approval.

Mayor Mike Forster opened public comment; seeing none, public comment was closed.

Councilman Chris Sante made a motion to approve. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

**F. Resolution Approving the Agreement Between Florida Department of Transportation and Islamorada, Village of Islands, to Realign a Portion of the Florida Keys Overseas Heritage Trail**

Village Attorney Roget Bryan read the title of the resolution. Director of Public Works, Lesli Wojtecki presented the staff report recommending approval.

Councilman Jim Mooney stated he assumed the Village would be working with the Morada Way Arts & Cultural District (MWACD) on this project because MWACD had offered, at a previous Village Council meeting, to assist with funding the project.

Mayor Mike Forster opened public comment.

Dave Boerner, Board President of the Morada Way Arts and Cultural District stated that they would assist with funding.

Mayor Mike Forster closed public comment.

Councilman Dennis Ward made a motion to approve. Councilman Jim Mooney seconded the motion. Council voted all in favor. The motion passed 5-0.

**XIII. MOTIONS**

**XIV. MAYOR / COUNCIL COMMUNICATIONS**

Mayor Mike Forster recognized Village Manager Maria Aguilar and Assistant Village Manager and Public Information Officer Mary Swaney for their communication efforts with the United States Coast Guard, FDOT, the Monroe County Board of County Commissioners and the City of Marathon regarding the Snake Creek Bridge schedule.

**A. Discussion Regarding Sewer Fill –Councilman Sante**

Councilman Chris Sante requested the Council give direction to staff to research where the sewer fill is being stored or if it is being sold. Councilman Sante stated he sees it as a potential revenue stream for the Village. Wastewater Program Manager stated he would look into it. Mayor Mike Forster stated Habitat for Humanity in Key Largo was given 14 loads of fill.

Mayor Mike Forster opened public comment.

Jim Bellizzi stated he thought the fill had been sold.

Mayor Mike Forster closed public comment.

**B. Discussion Regarding De Minimis Rule on Commercial Square Footage –Councilman Sante**

Councilman Chris Sante suggested using the assistance of local citizens such as Dave Boerner and the Local Planning Agency (LPA) to assist the Planning Department with addressing some of the easier recommendations made by the Planning Ad Hoc Committee in an effort to expedite the process. Discussion ensued among Council and staff regarding the outstanding items, LPA's role, Council's role as a policy maker, and outstanding items on the Planning Ad Hoc Committees recommendation list. Director of Planning, Cheryl Cioffari reported regarding the many items completed by the Planning Department; and the lengthy analysis and multiple communications involved in bringing an item to fruition.

Village Attorney Roget Bryan elaborated to clarify the process. He stated that recommendations can come from the citizens to the Council; Council can discuss the recommendation and give direction to staff with parameters; staff will prepare the item and give to the LPA for review and then the item will be brought forward to the Council for approval. Dave Boerner offered his assistance to staff with Council directed changes.

Council agreed and gave staff direction to bring forward a change allowing for de minimis square footage on commercial property.

**C. Update on Federal Lobbying Trip to Washington D.C. – Vice Mayor Gillis**

Vice Mayor Deb Gillis reported that she, Village Attorney Roget Bryan, Village Manager Maria Aguilar, three lobbyists, representatives from Key Largo Wastewater Treatment District and the City of Marathon went to Washington D.C. to seek environmental infrastructure funding from the Army Corps of Engineers for the Florida Keys Water Quality Improvement Program. Vice Mayor Gillis reported the group attended approximately ten meetings stated that the Village recently received copies of a letter of support from nine representatives and a letter of support from Senator Bill Nelson. She stated this funding could be used for the wastewater project.

Ms. Nicole Rapanos, Florida Keys Director for Congressman Carlos Curbelo stepped to the podium and introduced herself to Council and the public.

**D. Discussion Regarding Increasing Square Footage of Village Center Not to Exceed 10,000 Square Feet – Mayor Mike Forster**

Mayor Mike Forster requested support from Council to direct staff to provide information to Council regarding increasing the size of uses within Village Center. Discussion ensued among Council, with staff input as needed, resulting in staff being given direction to bring information forward to Council regarding increasing the size of uses within Village Center.

**E. Discussion Regarding Workforce Affordable Housing – added by Councilman Ward**

Councilman Dennis Ward expressed concern over the lack of affordable workforce housing within the Village; the income thresholds for affordable housing; and the local bus service being overcrowded. Councilman Ward requested Council have a more comprehensive discussion regarding these items at a future meeting.

Vice Mayor Deb Gillis explained that when federal funds or grant monies are used, often the income restrictions are set by the lender of the funds, as is the case with the Wet Net affordable housing.

Mayor Mike Forster stated that the Monroe County Board of Commissioners (BOCC) may be looking for a partnership for a second bus and suggested staff reach out to BOCC board member David Rice.

Director of Planning Cheryl Cioffari explained the 2014 income criteria for affordable housing. She stated the affordable housing fund and inclusionary zoning ordinance were based on a 2007 affordable housing study and the study stated any development would provide thirty percent of the affordable housing need that was generated. Ms. Cioffari stated that the City of Marathon had recently issued an RFP for a workforce/affordable housing assessment and action study; and that Monroe County had contacted the Village for a copy of the 2007 study. Ms. Cioffari reported regarding the first time home buyers assistance program.

Council directed staff to add this discussion item to the March 12 agenda.

**XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**

**A. 2012-2013 CAFR Presentation**

(This item was deferred to the February 12 Regular Village Council Meeting.)

**XVI. ADJOURNMENT**

Councilman Chris Sante made a motion to adjourn. Vice Mayor Deb Gillis seconded the motion. The meeting adjourned at 8:55 p.m.

  
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Kelly S. Toth  
Village Clerk

Approved by the Village Council this 12<sup>th</sup> day of February, 2015.